

CAP

DC No. 04-12017
No. 05-1084 (Appeal in Court)
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FRANKIE GARNER,
Petitioner, Appellant,

2005 MAR -2 P 1:11

FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

U.S. DISTRICT COURT
DISTRICT OF MASS

LOIS RUSSO, Superintendent,
Souza-Baranowski Correctional Center,
Respondent, Appellee.

MOTION FOR CERTIFICATE OF APPEALABILITY

Now comes the Pro se Petitioner, who respectfully moves this Honorable Court to issue to him a Certificate of Appealability regarding the above-cited Court actions.


Petitioner cites local federal Rule 22.1(a) as well as, 28 U.S.C. §§ 2254, 2255 as authorities for the issuance of a Certificate of Appealability. Slack v. McDaniel, 529 U.S. 473 (2000)

On February 16, 2005, the United States Court of Appeals for the First Circuit issued an ORDER that petitioner's appeal from the denial of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 could not go forward unless the petitioner was issued the required Certificate of Appealability by the District Court.

WHEREFORE, petitioner prays that this Honorable Court GRANT and issue such Certificate of Appealability as to allow him to move forward with this criminal matter.

Respectfully submitted,

Dated: 02, 28, 2005


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